

ago. The Senate and indeed the country as a whole, demanded that the intelligence activities of the United States be carefully examined and set right. The period of investigations is largely over. We are well aware of the shortcomings and abuses that have occurred in the past. We also have had the opportunity to learn how an effective intelligence system can serve to protect the security and liberties of the United States.

The legislation which we introduce today is the beginning of another phase of a joint effort with the Executive branch to assure that the intelligence activities of the United States are functioning under our Constitutional framework. It is intended to serve as a reasonable agenda of the issues that must be resolved if we are to be satisfied that we have written the legal structure necessary for the governance of intelligence activities in our democratic society. The Executive branch and this Committee have agreed to work together and test every point of this legislative proposal. We fully expect that some of the provisions will be modified. Some of the provision, no doubt, will be seen after hearings, study and review to be too specific; other provisions will need amplification; provisions will be dropped; still others will be added.

This Committee is perhaps unique in its insistence that all members work closely together and share in the responsibility for coming up with the best possible charter for the intelligence activities of the United States. It is only through a process of rigorous testing, study and review of all points of view that we will come up with durable and lasting legislation. It is not an easy task to provide a legislative charter for activities that are largely secret in nature. The task requires the most careful consideration if we are to avoid repetition of the mistakes of the past, mistakes that occurred largely as a result of an independent understanding of the nature and consequences of creating a permanent intelligence system.

This Committee worked closely with the Executive branch in the writing of Executive Order 12036 issued by President Carter on January 24, 1978. Last July, at a meeting in the White House, the Committee and the President agreed to work together on the executive order which would serve as an interim measure until permanent statutes could be written and passed. It was agreed by both the President and the Committee that the time required to write a statute would offer the opportunity to test the validity of the provisions in the executive order, and that this testing of the executive order would provide a better basis for the eventual statutes.

During the year and a half that I served as the first Chairman of the Select Committee on Intelligence it was one of my goals to have the Committee write legislation to govern all the intelligence activities of the United States. It is a source of great pleasure to me that these bills are being introduced today. I want to commend the work done by Senators Huddleston and Mathias in the preparation of these draft statutes which will serve as the basis for the statutory effort. These drafts span the issues raised by the Ford and Carter executive orders, recommendations of the Church Committee and other issues which ought to be considered in providing the framework for the governance of intelligence activities.

We are agreed on our purposes. The Executive branch, the legislature and all members of this Committee firmly believe that statutory charters are necessary, and I think we are in essential agreement on the major provisions that should be contained. Most of the debate and argument will focus on how to assure that the rights of Americans are protected, without unduly hindering the necessary activities of the intelligence agencies. The premise of these draft statutes is

that intelligence activities are necessary, and should be fully supported, but that they require unusually rigorous processes of review and oversight.

I am happy to continue with my colleagues in this effort which I believe is a remarkably successful example of how the two branches can work closely together on crucial and very difficult questions.

#### STATEMENT BY SENATOR CHAMBER

I am pleased today to join with my colleagues on the Select Committee on Intelligence in cosponsoring the National Intelligence Reorganization and Reform Act of 1978. I have long been impressed with the dedication and capabilities of the men and women who work in the anonymity of our intelligence community. At the same time, the investigations of the intelligence community over the last several years have brought the nation's attention to abuses that have been committed in the name of national security as well as to the dilemmas posed in a democratic and open society by secret intelligence activities.

The introduction of legislation establishing charters for each of our intelligence agencies, setting up procedures for review and approval of intelligence activities, and establishing clear and understandable guidelines for what actions may or may not be undertaken, will mark the beginning of a new phase in the history of the intelligence community. I believe that the legislation introduced today will strengthen our capabilities to preserve our nation from activities by hostile governments at the same time demonstrating conclusively that the actions needed to protect our country can be undertaken within and subject to the law.

The process of developing these charters has gone on for a year and a half. This process was marked by extensive consultation with the Executive Branch and with experts within and outside the government. The President's recent Executive Order, which was shaped in consultation with the Senate Select Committee on Intelligence, reflects this process.

This legislation is complex and detailed. While some of this legislation may be modified in the months ahead, I believe that the hard work which has produced these charters is a necessary first step toward the establishment of an improved national intelligence structure.

Perhaps the most important part of the introduction of this legislation is that it takes basic issues, such as: what form should the intelligence community take; what actions should it be allowed to undertake; what must we do to protect our security from hostile powers; what protections do we need for the rights of Americans, and begin the public debate necessary to rebuild confidence in our intelligence agencies.

Mr. MATHIAS. Mr. President, will the distinguished Senator from Kentucky yield?

Mr. HUDDLESTON. The Senator will yield.

Mr. MATHIAS. Mr. President, I want to be sure that the Senate understands the debt which we owe to the Senator from Kentucky for his leadership and for the tremendous amount of work that he has invested in the charters which are being introduced today by an unusual bipartisan group of Senators. I do not believe that we could have the kind of sponsorship of these bills if it had not been for the kind of balanced development of the bills that the Senator from Kentucky provided, the opportunity for input that every member of the committee had. I just want to personally thank him for what he has done and to make

sure that really every Member of the Senate fully appreciates the contribution that he has made to one of the most difficult subjects that we have had.

Mr. HUDDLESTON. I thank the Senator from Maryland for his kind remarks, and I must confess that I feel they are overly generous, but what we are presenting is the culmination of a great deal of work on the part of staff members and members of the committee and I think will point the way toward a reasonable outline of control and regulation over our intelligence operations at the same time protecting the rights of our citizens and providing the framework for the very best and most effective and most efficient intelligence operation in the entire world.

Mr. President, with us on the floor is another valuable member of the select committee who has been very helpful in the development of these charters and guidelines and is a cosponsor, the distinguished Senator from the State of Utah (Mr. GARN).

Mr. GARN. I thank the Senator from Kentucky for yielding. It has been a real pleasure to serve not only on the select committee, but on the Charters and Guidelines Subcommittee with the distinguished Senator from Kentucky.

Mr. HUDDLESTON. The Senator from Indiana (Mr. LUGAR), another member of the select committee, is on the floor, and I yield at this time to Senator LUGAR.

Mr. LUGAR. Mr. President, I congratulate the distinguished Senator from Kentucky (Mr. Huddleston) on the introduction of this legislation, and likewise my colleague, Senator BARR, the chairman of the Select Committee on Intelligence, and the Senator from Maryland (Mr. Mathias), the ranking minority member, all of whom have given special leadership in this effort.

I agree that this is a historic moment with regard to both intelligence and various constitutional principles of our country. During the past year, the President of the United States, representing the executive branch, has shared with the Select Committee on Intelligence very weighty matters and considerable responsibilities; and it has been with a sense of mutual trust that this has occurred.

But now we come to a point when those documents will be in the open, when there will be genuinely open debate, through the committee hearings and finally through the deliberations of this body, on matters that probably have never been so thoroughly discussed in any country at any time.

As a matter of fact, the whole idea of intelligence being a matter of public discussion is a difficult one for many persons to accept. It is a difficult one for many others to ponder over, as to how, in effect, the security of our country and those things that are most vital to us in knowledge about the rest of the world can be a matter of public scrutiny without serious violation of our ability to defend ourselves in those things we need to know.

I know that the question will not be an easy one. It has not been presented as easy by the distinguished Senator from Kentucky or others who have spoken on

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this matter. In fact, the tension between those things we need to know and the protection of the civil rights of Americans will exist throughout this debate, and I suspect throughout further administration of intelligence agencies under a new charter.

But the need to do this is obvious, and the quest has begun, and I am certain we are determined to be successful. In a bipartisan spirit, the committees joined together today in an open hearing with the press, and now, serving as part of these deliberations in the introduction of the bill, I am very pleased to be a cosponsor of this legislation, and look forward, as a member of the subcommittee headed by the distinguished Senator from Kentucky, to participating in the debate and helping it to proceed to success.

Mr. HUDDLESTON. I thank the distinguished Senator from Indiana.

Mr. President, I ask unanimous consent that statements by the distinguished Senator from New York (Mr. MOYNIHAN) and the distinguished Senator from Wyoming (Mr. WALLOP) be printed in the Record at this point.

There being no objection, the statements were ordered to be printed in the Record, as follows:

#### STATEMENT OF SENATOR MOYNIHAN

I am pleased to join my colleagues from the Select Committee on Intelligence in co-sponsoring the "National Intelligence Reorganization and Reform Act of 1978." The broad bipartisan support of this bill testifies to our common recognition of the need to provide adequate statutory support for the activities of our intelligence agencies. Perhaps no one of us agrees with every feature of the bill as presently written, but we are united in our belief that a proper balance can and must be struck in order to protect our rights from the organizations we depend upon to ward off external threats as well as from the external threats themselves.

While the dangers which our intelligence activities can pose to our rights have been widely discussed and written about in recent years, we are only now becoming fully aware of the dangers posed by the activities of hostile intelligence agencies. After some prodding, the Administration has begun to face seriously the question of Soviet electronic eavesdropping within the United States. In this connection, I am happy to note that the bill we are now introducing would specifically require the National Security Council to address the question of informing private citizens if their communications are vulnerable to interception.

The dangers posed by foreign intelligence activities are not limited to illegal electronic surveillance. Recent statements by administration officials, as well as the re-shuffling of the responsibility for counterintelligence in the recent Executive Order reorganizing the Intelligence Community, have led me to wonder whether we might not face a larger counterespionage problem than is generally realized. In the course of considering this legislation, we shall be holding hearings on this problem, and shall make sure that the counterintelligence function is well coordinated, and that the intelligence agencies are authorized to undertake all legitimate and necessary actions to meet this threat.

We are now formally embarked on a journey perhaps unprecedented in history—an attempt to bring an intelligence system within the framework of a country's legal system and to regulate it by public laws and rules. As far as I know, no other country has ever attempted to do this and doubtless there will

feel the country wishes us well as we begin the work of adjusting, in detail, our defenses against both the internal and external threats to our freedom.

#### STATEMENT OF SENATOR WALLOP

I am happy to co-sponsor this Committee's efforts to come up with a new, unified statutory basis for this nation's many necessary intelligence activities. I know we will have to change many of the provisions in these texts, but they are a fit pace from which to start. For example, we must emphasize to a far greater extent than has been done thus far our concern for the effectiveness of our intelligence agencies. We must also do more to insulate the agencies from partisan political influence. Finally, charter legislation must provide greater security for our vital intelligence secrets than we now have and than the drafts now provide for. But we must begin somewhere.

#### ADDITIONAL STATEMENTS

Mr. BAYH. Mr. President, the National Intelligence Reorganization and Reform Act of 1978 is being introduced today. It marks a crucial turning point for the intelligence agencies of the United States. The introduction of intelligence charter legislation means that the Congress, and I believe the American people, want to give our intelligence agencies a clear mandate to carry on their essential work under the rules of law. The time has come to look to the future, rather than the past, and give the intelligence agencies the kind of support and guidance they need to perform the difficult tasks entrusted to them.

Many thousands of dedicated men and women in the FBI, the CIA, the National Security Agency, and other parts of the Intelligence Community are devoting their lives and talents to the service of their country. They are looking to us, as Members of Congress and citizens of the United States, for an unmistakable sign that we understand the importance of their efforts. The charter legislation signals to them, and to those who preceded and will follow them, that we believe our intelligence agencies are vital to the Nation's security.

These charters are the culmination of 3 years work by Members of the Senate, by their staffs, by officials of the executive branch under two administrations, and by interested citizens who have taken the time to share their views with us.

The original Select Committee on Intelligence Activities, chaired by Senator Church, had the enormous task of investigating past activities and making the first comprehensive recommendations for intelligence charter legislation. The Church committee's reports did much more than document abuses. They stressed the need for a coherent national intelligence program, based on firm principles of accountability and respect for the rights of Americans. They established the agenda for legislation that would put those principles into practice. And they made specific proposals which, in most respects, are embodied in the essential features of the measure introduced today.

We also owe a debt of gratitude to the many senior administration officials, first under President Ford, and more recently

to this committee under President Carter.

The Commission on CIA Activities, chaired by Vice President Rockefeller, played an important role in identifying improper and illegal activities and stressing the importance of strict limits on CIA activities in the United States. Attorney General Edward H. Levi provided many of the crucial standards for bringing intelligence within the rule of law. He was responsible for developing the first piece of intelligence legislation, the Foreign Intelligence Surveillance Act, which will require a court order for all intelligence wiretaps in the United States. That bill is now before the Intelligence Committee, and we intend to report it soon to the Senate floor.

Attorney General Levi also adopted the first formal guidelines for FBI intelligence investigations. Those guidelines were a valuable resource for this committee as we tried to frame realistic standards for the FBI. Director Clarence Kelley consistently endorsed the need for legislation to clarify the FBI's intelligence jurisdiction. In line with Attorney General Levi's guidelines, he reorganized the FBI Intelligence Division in 1976 so as to draw a clear line between FBI foreign counterintelligence and domestic law enforcement operations. The FBI charter legislation carries forward the essential thrust of those decisions.

The first Executive order on intelligence, E. O. 11905, issued by President Ford, was a pioneering attempt to regulate and improve the management of intelligence operations. In helping to prepare and carry out that order, and the regulations implementing it, CIA Directors William Colby and George Bush established a new policy to insure that CIA operations would not intrude upon the rights of Americans.

Finally, our thanks go to President Carter, Vice President Mondale, and the members of their administration for the intensive work they have put in over past months to develop a new Executive order which provides, in many respects, a model for charter legislation. By giving this committee an opportunity to participate in drafting the order, they have brought the Congress and the intelligence community together into a close working relationship. This cooperation may be unique in the history of relations between the two branches of Government.

It is often said of the legislative process in modern times that "the President proposes and the Congress disposes." The intelligence charters do not fit this pattern. President Carter has agreed that the Congress take the initiative in drafting the legislation, and he encouraged the executive agencies to work with us in this enterprise. These consultations have not resolved all issues, nor should they, nor would any reasonable person expect total agreement at this point. But we understand our differences more clearly, and we have confidence that the remaining problems can be solved as we move ahead.

Many of these outstanding issues in-